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10 Attorneys for Defendant America's Collectibles Network, Inc. d/b/a Jewelry T.V.

11  
12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**  
14

15 MARLIESE WEED on behalf of herself and  
others similarly situated,

16 Plaintiff,

17 vs.

18 AMERICA'S COLLECTIBLES NETWORK,  
19 INC. D/B/A JEWELRY T.V.,

20 Defendant.  
21

CASE NO. 08-CV-0925 WQH CAB

**JOINT MOTION FOR CONTINUANCE  
OF HEARING ON MOTION TO DISMISS**

**(Second Request)**

Judge: Hon. William Q. Hayes

22 Plaintiff Marliese Weed and Defendant America's Collectibles Network, Inc. d/b/a Jewelry  
23 T.V. (together, "Parties") hereby jointly request that the hearing on Defendant's Partial Motion to  
24 Dismiss Pursuant to F.R.C.P. 12(b)(6), currently set for August 18, 2008 at 11:00 in Courtroom 4  
25 of the above entitled court, be continued to September 15, 2008, or as soon thereafter as set by the  
26 Court.

27 Good causes exists for said continuance. The Parties are continuing to work towards a  
28 possible resolution of this matter. Both Parties agree that it is appropriate to continue the hearing

1 on Defendant's Partial Motion to Dismiss, and, accordingly the current briefing schedule as  
2 governed by Civil Local Rule 7.1.e, so that the Parties may focus their efforts on exploring  
3 settlement options. This is the Parties' second request for such a continuance.

4 Therefore, the Parties hereto jointly and respectfully request that this Court order a  
5 continuance of the hearing on Defendant's Partial Motion to Dismiss until September 15, 2008, or  
6 soon thereafter as set by the Court.

7  
8 DATED: July 30, 2008

WEXLER TORISEVA WALLACE LLP

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10  
11 By: /s/ Mark Tamblyn

Mark Tamblyn

12 Attorneys for Plaintiff Marliese Weed, on behalf  
13 of herself and all others similarly situated

14 DATED: July 30, 2008

KIRBY NOONAN LANCE & HOGE LLP

15  
16 By: /s/ David J. Noonan

David J. Noonan

17 Lauren E. Butz

18 Attorneys for Defendant America's Collectibles  
19 Network, Inc. d/b/a Jewelry T.V.